

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:09-CR-75-3H

No. 5:16-CV-457-H

AARON LEE WHITEHEAD,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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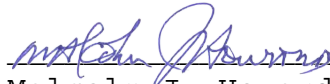
**ORDER**

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #121]. This matter was stayed pending the Fourth Circuit's resolution of United States v. Walker, 2019 WL 3756052, \_\_ F.3d \_\_ (4th Cir. 2019), and United States v. Simms, 914 F.3d 229 (4th Cir. 2019). [DE #146]. In light of the Supreme Court's resolution of United States v. Davis, 139 S. Ct. 2319 (2019), the stay is hereby lifted.

Petitioner is directed to file a supplement, or other appropriate filing or motion, to the § 2255 motion to vacate within twenty-one (21) days of this order. The government shall then have twenty-one (21) days to file a response, if appropriate. In the event the parties agree petitioner is entitled to § 2255

relief, they may file a joint response within twenty-one (21) days of this order, addressing the appropriate remedy in this action.

This 20th day of August 2019.



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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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